

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN  
CLERK

JAMES T. FOLEY U.S. COURTHOUSE  
445 BROADWAY, ROOM 509  
ALBANY, NEW YORK 12207  
(518) 257-1800

June 13, 2005

Clerk, US District Court  
2300 United States Courthouse  
One Courthouse Way  
Boston, MA 02210-3002

RE: Pharmaceutical Industry Average Wholesale Price Litigation  
MDL Docket # 1456  
NDNY Case # 05-cv-479 TJM/GHL

Dear Clerk:

Enclosed herewith please find a certified copy of the Conditional Transfer Order and a certified copy of the docket sheet in the above-listed MDL case. As this case is completely electronic under ECF, you can view the original record by clicking on the "CM-ECF Quick Query" link on our intranet site at <http://156.121.59.197/>.

Please return the copy of this letter to my attention when you receive this. Thank you.

Sincerely,  
LAWRENCE K. BAERMAN, CLERK



By: Britney Norton  
Deputy Clerk

ban  
Enclosures

ACKNOWLEDGMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

CLOSED

**U.S. District Court**  
**Northern District of New York [LIVE - Version 2.4] (Watertown)**  
**CIVIL DOCKET FOR CASE #: 7:05-cv-00479-TJM-GHL**

County of Saint Lawrence v. Abbott Laboratories,  
Inc. et al  
Assigned to: Judge Thomas J. McAvoy  
Referred to: Magistrate Judge George H. Lowe  
Cause: 42:1396 - Tort Negligence

Date Filed: 04/19/2005  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other  
Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**County of Saint Lawrence**

represented by **Aaron D. Hovan**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
Email: ahovan@kmslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joanne M. Cicala**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Roger W. Kirby**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540

Email: iramirez@kmslaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Abbott Laboratories, Inc.**

**Defendant**

**Alcon Laboratories, Inc.**

**Defendant**

**Allergan, Inc.**

**Defendant**

**Alpharma, Inc.**

**Defendant**

**Purepac Pharmaceutical Co.**

**Defendant**

**Amgen, Inc.**

**Defendant**

**Immunex Corp.**

**Defendant**

**Andrx Corp.**

**Defendant**

**Astrazeneca Pharmaceuticals  
L.P.**

**Defendant**

**Aventis Pharmaceuticals, Inc.**

**Defendant**

**Dermik Laboratories, Inc.**

**Defendant**

**Barr Laboratories, Inc.**

**Defendant**

**Bayer Corporation**

**Defendant**

**Berlex Laboratories, Inc.**

**Defendant**

**Biogen Idec, Inc.**

**Defendant**

**Biovail Pharmaceuticals, Inc.**

**Defendant**

**Bristol Myers Squibb Company**

**Defendant**

**Oncology Therapeutics  
Network Corp.**

**Defendant**

**Ben Venue Laboratories, Inc.**

**Defendant**

**Boehringer Ingelheim Corp.**

**Defendant**

**Boehringer Ingelheim  
Pharmaceuticals, Inc.**

**Defendant**

**Roxane Laboratories, Inc.**

**Defendant**

**Dey, Inc.**

**Defendant**

**Eisai, Inc.**

**Defendant**

**Eli Lilly and Company**

**Defendant**

**Endo Pharmaceuticals, Inc.**

**Defendant**

**Ethex Corp.**

**Defendant**

**Forest Laboratories, Inc.**

**Defendant**

**Forest Pharmaceuticals, Inc.**

**Defendant**

**Fujisawa Healthcare, Inc.**

**Defendant**

**Fujisawa USA, Inc.**

**Defendant**

**Genentech, Inc.**

**Defendant**

**Genzyme Corp.**

**Defendant**

**Gilead Sciences, Inc.**

**Defendant**

**Glaxosmithkline, P.L.C.**

**Defendant**

**SmithKline Beecham  
Corporation**  
*doing business as*  
Glaxosmithkline

**Defendant**

**Hoffman-La Roche, Inc.**

**Defendant**

**Roche Laboratories, Inc.**

**Defendant**

**Ivax Corp.**

**Defendant**

**Ivax Pharmaceuticals, Inc.**

**Defendant**

**Janssen Pharmaceutica  
Products, LP**

**Defendant**

**Johnson & Johnson**

**Defendant**

**McNeil-PPC, Inc.**

**Defendant**

**Ortho Biotech Products LP**

**Defendant**

**Ortho-McNeil Pharmaceutical,  
Inc.**

**Defendant**

**King Pharmaceuticals, Inc.**

**Defendant**

**Monarch Pharmaceuticals, Inc.**

**Defendant**

**Medimmune, Inc.**

**Defendant**

**Merck & Co., Inc.**

**Defendant**

**Mylan Laboratories, Inc.**

**Defendant**

**Mylan Pharmaceuticals, Inc.**

**Defendant**

**UDL Laboratories, Inc.**

**Defendant**

**Novo Nordisk Pharmaceuticals,  
Inc.**

**Defendant**

**Novartis Pharmaceuticals  
Corp.**

**Defendant**

**Sandoz, Inc.**

**Defendant**

**Organon Pharmaceuticals  
USA, Inc.**

**Defendant**

**Par Pharmaceutical, Inc.**

**Defendant**

**Agouron Pharmaceuticals, Inc.**

**Defendant**

**Greenstone, Ltd.**

**Defendant**

**Pfizer, Inc.**

**Defendant**

**Pharmacia Corporation**

**Defendant**

**Purdue Pharma, L.P.**

**Defendant**

**Reliant Pharmaceuticals**

**Defendant**

**Sanofi-Synthelabo, Inc.**

**Defendant**

**Schering-Plough Corp.**

**Defendant**

**Schering Corporation**

**Defendant**

**Warrick Pharmaceuticals  
Corp.**

**Defendant**

**Serono, Inc.**

**Defendant**

**Takeda Pharmaceuticals North  
America, Inc.**

**Defendant**

**Tap Pharmaceutical Products,  
Inc.**

**Defendant**

**Teva Pharmaceutical USA, Inc.**

**Defendant**

**UCB Pharma, Inc.**

**Defendant**

**Watson Pharma, Inc.**

**Defendant**

**Watson Pharmaceuticals, Inc.**

**Defendant**

**Wyeth**

Date Filed	#	Docket Text
04/19/2005	<a href="#">1</a>	COMPLAINT against all defendants ( Filing fee \$ 250 receipt number ALB000720) filed by County of Saint Lawrence. (Attachments: # <a href="#">1</a> Exhibit(s) A# <a href="#">2</a> Exhibit(s) B# <a href="#">3</a> Exhibit(s) C# <a href="#">4</a> Errata D# <a href="#">5</a> Exhibit(s) E)(tab) (Entered: 04/19/2005)
04/19/2005		Summons Issued as to Immunex Corp., Andrx Corp., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol Myers Squibb Company, Oncology Therapeutics Network Corp., Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., SmithKline Beecham Corporation, Hoffman-La Roche, Inc., Roche

		Laboratories, Inc., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Abbott Laboratories, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., MedImmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novo Nordisk Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Sandoz, Inc., Alcon Laboratories, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Reliant Pharmaceuticals, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Allergan, Inc., Schering Corporation, Warrick Pharmaceuticals Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alpharma, Inc., Purepac Pharmaceutical Co., Amgen, Inc.. (tab, ) (Entered: 04/19/2005)
04/19/2005	<a href="#"><u>2</u></a>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 9/20/2005 09:00 AM in Syracuse before Magistrate Judge George H. Lowe. Civil Case Management Plan due by 9/12/2005. (tab) (Entered: 04/19/2005)
05/13/2005	<a href="#"><u>3</u></a>	Letter from Aaron Hovan, outside counsel for County of Saint Lawrence requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)
05/19/2005	<a href="#"><u>4</u></a>	CONDITIONAL TRANSFER ORDER to MDL. (lmp) (Entered: 05/19/2005)
05/20/2005	<a href="#"><u>5</u></a>	LETTER/REQUEST AND ORDER; Letter addressed to MJ Lowe requesting an adjournment from the case management and service deadlines as it is believed this action will be transferred for pretrial purposes to MDL 1465; So Odered deadlines w/ in docket <a href="#"><u>2</u></a> are adjourned sine die; If a transfer order has not been filed by 8/12/05, counsel shall file a status report on that date. Signed by Judge George H. Lowe on 5/20/05. (kcl, ) (Entered:

		05/20/2005)
06/06/2005	<u>6</u>	TRANSFER ORDER. Case Transferred to District of Massachusetts for MDL (re Pharmaceutical industry average wholesale price litigation). Signed by Clerk of the Panel Michael J. Beck. (ban) (Entered: 06/13/2005)
06/13/2005		Case transferred to District of Massachusetts. Original file, certified copy of transfer order, and docket sheet sent. (ban) (Entered: 06/13/2005)

**PACER Service Center****Transaction Receipt**

06/21/2005 15:01:52

<b>PACER Login:</b>	us2510	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	7:05-cv-00479-TJM-GHL
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
OFFICE OF THE CLERK  
1 COURTHOUSE WAY  
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton  
CLERK OF COURT

Mr. Larry Baerman, Clerk  
345 James T. Foley U.S. Courthouse  
445 Broadway  
Albany, NY 12207

JUN 8 2005

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED  
BN

JUN 10 2005

LAWRENCE K. BAERMAN, CLERK  
ALBANY

IN RE: MDL DOCKET No. 1456 In Re: Pharmaceutical Industry Average  
Wholesale Price Litigation

USDC - Massachusetts Lead Case No. 1:01CV12257-PBS

Your Case: Civil Action Nos:

- |  |                               |
|--|-------------------------------|
| ✓ 1:05-408 County of Washington v. Abbott Labs, Inc. et al | District of MA No: 1:05-11180 |
| ✓ 1:05-422 County of Rensselaer v. Abbot Labs, Inc. et al  | District of MA No: 1:05-11181 |
| ✓ 1:05-425 County of Albany v. Abbott Labs, Inc. et al     | District of MA No: 1:05-11182 |
| ✓ 1:05-468 County of Warren v. Abbott Labs, Inc. et al     | District of MA No: 1:05-11183 |
| ✓ 1:05-474 County of Greene v. Abbott Labs, Inc. et al     | District of MA No: 1:05-11184 |
| ✓ 1:05-478 County of Saratoga v. Abbott Labs, Inc. et al   | District of MA No: 1:05-11185 |

Dear Mr. Baerman :

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Patti B. Saris.

In accordance with the Rules concerning Multi-District Litigation, please forward the original case file, along with a certified copy of the docket entries and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records to the above address.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 617-748-9113, Robert Alba, Courtroom Clerk for Judge Saris at 617-748-9175 or Christine Patch, Docket Clerk for Judge Saris, at 617-748-9178.

Sincerely,

*Kimberly M. Abaid*

Kimberly M. Abaid  
Deputy Clerk

Information Copy to: Michael Beck, Clerk of the Panel  
Counsel of Record  
Robert Alba  
Christine Patch

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

I hereby certify that the foregoing document is the true and correct copy of the

- electronic docket in the captioned case  
 electronically filed original brief on \_\_\_\_\_  
 original filed in my office on 5/15/05

Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts

By:

Deputy Clerk

CLERK'S OFFICE OF MASSACHUSETTS

DOCKET NO. 1456

MAY 12 2005

U.S. CLERK'S OFFICE

FILED

CLERK'S OFFICE

15 JUN 15 P 1:09

## BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-21)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY 31 2005

FOR THE PANEL:

Michael J. Beck

Michael J. Beck  
Clerk of the Panel

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-21 - TAG-ALONG ACTIONS  
DOCKET NO. 1456  
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
<b>NEW YORK NORTHERN</b>	
NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.
<b>NEW YORK WESTERN</b>	
NYW 1 05-214	County of Chautauqua v. Abbott of Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
<del>NYW 1 05-259</del>	<del>County of Erie v. Abbott Laboratories, Inc., et al.</del> Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.